

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

COHEN, Boaz

International Application No. PCT/IL2004/000584

Serial No. NOT YET ASSIGNED

International Filing Date: 1 July 2004 (1.07.2004)

Filed: January_____, 2006

For: **ROTARY SPRINKLER WITH REDUCED WEAR**

PETITION UNDER 37 1.47(b) FOR FILING WHEN AN INVENTOR REFUSES TO
SIGN

Commissioner for Patents
Attn: Petitions Examiner - PCT Legal
P.O. Box 1450
Alexandria, VA 22313-1450

01/18/2006 LLANDGRA 00000025 10564357

05 FC:1464 Sir: 130.00 DP

Petitioner, through the undersigned attorney, hereby requests that the that the executed signature by a person to whom the inventor has assigned the invention in above captioned international application PCT/IL2004/000584, filed herewith under 37 U.S.C. 371, may be allowed to make the application for patent on behalf of a non-signing inventor who refuses to sign. The originally signed declaration executed by the sole inventor on July 20, 2004 was found to be defective in that it did not contain an oath as required by the USPTO. The inventor refused to sign any other declarations/oaths that were presented to him as described below.

Statement of Facts:

- 1) The international application was timely filed as a PCT Application on 1 July 2004.
- 2) The inventor signed a Combined Declaration and Power of Attorney on 20 July 2004 for the subject application.

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- 3) The inventor, Boaz Cohen, also signed an assignment document in which the rights of the invention were assigned to NETAFIM (A.C.S.) LTD. on 20 July 2004.
- 4) It was later discovered that the Combined Declaration and Power of Attorney lacked a declaration in accordance with 35 U.S.C. 25.
- 5) On March 2, 2005, a letter dated February 17, 2005 with the corrected Declaration and Power of Attorney and a copy of the application, was delivered to the inventor at his address of ¾ Harav Kook St., Hadera 38133, ISRAEL. A translation of the letter is provided, along with a copy of the date-stamped confirmation of delivery, also translated.
- 6) Mr. Cohen did not sign or return the declaration.
- 7) Starting on April 27, 2005 and every few days thereafter, telephone messages were left on Mr. Cohen's cell phone no. of 054-8066123 by attorney Ena Pugatsch.
- 8) On June 6, 2005, Mr. Cohen was reached by telephone at his place of employment at Plastro Gvat, ISRAEL by attorney Ena Pugatsch. He promised to return that day but did not do so.
- 9) On June 24, 2005, a letter dated June 7, 2005 with the corrected Declaration and Power of Attorney and a copy of the application, was delivered to the inventor at his address of ¾ Harav Kook St., Hadera 38133, ISRAEL. A translation of the letter is provided, along with a copy of the date-stamped confirmation of delivery, also translated.
- 10) Mr. Cohen did not sign or return the declaration.
- 11) On January 11, 2006, Mr. Erez Zimhoni, who is the Intellectual Property and Research & Development Manager, for NETAFIM (A.C.S.) LTD., signed a document for signature by a person to whom the inventor has assigned the invention or a person with sufficient proprietary interest, on behalf of a nonsigning inventor

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1.47(b)

12) With this document and the filing of the application under 35 U.S.C. 371, with attachments listed on the transmittal letter submitted herewith, NETAFIM (A.C.S.) LTD. makes the application on behalf of the inventor.

Items submitted herewith:

- (a) Transmittal Letter
- (b) Transmittal Letter To U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371
- (c) International Publication No: WO 2005/007299 A1 with Search Report, International Publication Date: 27 January 2005 (27.01.2005) and which consists of 14 pages including:
 - 2 Cover Pages containing the Abstract,
 - 6 pages Textual Specification,
 - 3 pages of 21 claims,
 - 3 sheets of Drawings;
- (d) Executed Inventor's Declaration (without oath);
- (e) Executed Assignment and Recordation Cover Sheet;
- (f) Executed Signature By A Person To Whom The Inventor Has Assigned The Invention Or A Person With Sufficient Proprietary Interest, On Behalf Of A Non-Signing Inventor Who Refuses to Sign or Cannot Be Reached Under 37 CFR 1.47(b);
- (g) **Petition Under 37 1.47(b) for Filing When an Inventor Refuses to Sign;**
- (h) Letter dated February 17, 2005 (translated) and Confirmation of Delivery (translated);
- (i) Letter dated June 7, 2005 (translated) and confirmation of Delivery (translated);
- (j) Information Disclosure Statement;
- (k) PTO Form 1449 citing 9 references with 4 references attached;
- (l) Check No. 1497 \$ 950.00 for Government Filing Fee, Search Fee, Examination Fee and 1 additional claim over 20;
- (m) Check No. 1498 \$ 130.00 for Petition Fee Under 37 CFR 1.17(h);
- (n) Check No. 1499 \$ 40.00 for recordation fee;
- (o) Postcard for early notification of serial number.

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(o) Postcard for early notification of serial number.

It is respectfully requested that NETAFIM (A.C.S.) LTD. be permitted to make application on behalf of the inventor. Submitted herewith is the proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties and to prevent irreparable damage.

The last know address of the sole inventor, Mr. Boaz COHEN is:
3/4 Harav Kook St., Hadera 38133 ISRAEL.

Please charge any deficiency in fees or credit any overpayment in connection with this matter to deposit Account No. 14-0112.

Please direct any questions or comments to the undersigned attorney.

Respectfully submitted,

NATH & ASSOCIATES PLLC



Gary M. Nath
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Date: January 12, 2006
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